



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

FILED
JAN 02 2021
PURSUANT TO ROLL Sec. 1-24

ORDINANCE _____
BILL **1 (2019)**

A BILL FOR AN ORDINANCE

TO ADOPT THE REVISED KOOLAU LOA SUSTAINABLE COMMUNITIES PLAN.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to repeal the existing Sustainable Communities Plan ("SCP") for Koolau Loa, Article 7, Chapter 24, Revised Ordinances of Honolulu 1990, and to adopt a new Article 7 incorporating the revised Koolau Loa Sustainable Communities Plan.

This development plan ordinance adopts a revised sustainable communities plan for Koolau Loa that presents a vision for Koolau Loa's future development consisting of policies, guidelines, and conceptual schemes that will serve as a policy guide for more detailed zoning maps and regulations and for public and private sector investment decisions.

This ordinance is enacted pursuant to the powers vested in the City and County of Honolulu by Chapter 46, and Section 226-58 of the Hawaii Revised Statutes.

SECTION 2. Article 7 of Chapter 24, Revised Ordinances of Honolulu 1990, ("Koolau Loa"), is repealed.

SECTION 3. Chapter 24, Revised Ordinances of Honolulu 1990 ("Development Plans"), is amended by adding a new Article 7 to read as follows:

"Article 7. Koolau Loa

Sec. 24-7.1 Definitions.

Unless the context otherwise requires, the following definitions govern the construction of this article.

"Department" or "department of planning and permitting" means the department of planning and permitting of the City and County of Honolulu.

"Development" means any public improvement project, or any public or private project requiring a zoning map amendment.

"Development plan" or "sustainable communities plan" means a plan document for a given geographic area, which consists of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan for the several parts of the city.



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"Director" means the director of the department of planning and permitting.

"Environmental assessment" or "EA" means a written evaluation prepared in compliance with the environmental council's procedural rules and regulations implementing Hawaii Revised Statutes Chapter 343 to determine whether an action may have a significant environmental effect.

"Environmental impact statement" or "EIS" means an informational document prepared in compliance with the procedural rules and regulations of the environmental council established in HRS Section 341-3(c) for the implementation of HRS Chapter 343; and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic and social welfare of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

"Finding of no significant impact" or "FONSI" means a determination based on an environmental assessment that the subject action will not have a significant effect and, therefore, will not require the preparation of an environmental impact statement.

"Functional plan" means the public facility and infrastructure plans prepared by public agencies to further implement the vision, policies and guidelines set forth in the Koolau Loa SCP.

"General plan" means the general plan of the city as defined by Charter Section 6-1508.

"Koolau Loa SCP" means the Koolau Loa Sustainable Communities Plan attached hereto as Exhibit A and made a part hereof.

"Planning commission" means the planning commission of the city.

"Project master plan" means a conceptual plan that covers all phases of a development project. The project master plan describes how the project conforms to the vision for Koolau Loa, and the relevant policies and guidelines for the site, the surrounding lands, and the region.



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"Significant zone change" means a zone change that involves at least one of the following:

- (1) Changes in zoning of 10 or more acres of land to any zoning district or combination of zoning districts, excluding preservation or agricultural zoning districts;
- (2) Any change in zoning of more than 5 acres to an apartment, resort, commercial, industrial, or mixed use zoning district; or
- (3) Any development that would have a major social, environmental, or policy impact, or major cumulative impacts due to a series of applications in the same area.

"Special area" means a designated area within the Koolau Loa Sustainable Communities Plan area that requires more detailed planning efforts beyond what is contained in the Koolau Loa SCP.

"Special area plan" means a plan for a special area.

"Unilateral agreement" means a conditional zoning agreement made pursuant to ROH Section 21-2.80 or any predecessor or successor provision that imposes conditions on a landowner or developer's use of the property at the time of the enactment of an ordinance for a zone change.

"Vision" means the future outlook for the Koolau Loa region extending out to the year 2035 and beyond, which seeks to preserve the region's overall rural character and its natural, cultural and scenic resources. Some growth in housing and related support services is envisioned to support the planned expansion of the Brigham Young University-Hawaii. Nevertheless, the future of the Koolau Loa region is to remain country, characterized by small towns and villages with distinctive identities that exist in harmony with the natural settings, defined by mountain ridges and scenic open spaces.

Sec. 24-7.2 Applicability and intent.

- (a) The Koolau Loa SCP area encompasses the entire area from the mountains to the northeastern shoreline of Oahu stretching from Waialeale on the northwest end, along the ridgeline of the Koolau Loa Mountain Range in a southeasterly direction to Kaoio Point at its southeast end.



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- (b) It is the intent of the Koolau Loa SCP to provide a guide for orderly and coordinated public and private sector development in a manner that is consistent with applicable general plan provisions, including the designation of Koolau Loa as a rural area where growth will be managed so that "an undesirable spreading of development is prevented."
- (c) The provisions of this article and the Koolau Loa SCP are not regulatory. Rather, they are established with the explicit intent of providing a coherent vision to guide all new public and private sector development within Koolau Loa. This article guides public investment in infrastructure, zoning and other regulatory procedures, and the preparation of the city's annual capital improvement program budget.

Sec. 24-7.3 Adoption of the Koolau Loa Sustainable Communities Plan.

- (a) This article is adopted pursuant to the Charter Section 6-1509 and provides a self-contained development plan document for Koolau Loa. Upon enactment of this article, all proposed developments will be evaluated against how well they fulfill the vision for Koolau Loa enunciated in the Koolau Loa SCP and how closely they meet the policies and guidelines selected to implement that vision.
- (b) The plan entitled, "Koolau Loa Sustainable Communities Plan," attached as Exhibit A, is hereby adopted by reference and made a part of this article.
- (c) Chapter 24, Article 1, entitled "Development Plan Common Provisions," in its entirety is no longer applicable to the Koolau Loa SCP area. This article and the Koolau Loa SCP, as adopted by reference by this ordinance, supersede any and all common provisions previously applicable to the Koolau Loa SCP area.

Sec. 24-7.4 Existing zoning and subdivision ordinances, approvals, and applications.

- (a) All existing subdivisions and zoning approved prior to the effective date of this ordinance continue to remain in effect following the effective date of this ordinance.
- (b) Subdivision and zoning ordinances applicable to the Koolau Loa SCP area enacted prior to the effective date of this ordinance continue to regulate the use of land within demarcated zones of the Koolau Loa SCP area until such time as the subdivision and zoning ordinances may be amended to be consistent with the Koolau Loa SCP.



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- (c) Notwithstanding adoption of the revised Koolau Loa SCP, applications for subdivision actions and land use permits accepted by the department for processing prior to the effective date of this ordinance continue to be subject only to applicable ordinances and rules and regulations in effect at the time the application is accepted for processing.

Sec. 24-7.5 Consistency.

- (a) In the performance of their prescribed powers, duties and functions, all city agencies shall conform to and implement the policies and provisions of this article and the Koolau Loa SCP. Pursuant to Charter Section 6-1511.3, public improvement projects and subdivision and zoning ordinances must be consistent with the Koolau Loa SCP.
- (b) Any questions of interpretation regarding the consistency of a proposed development with the provisions of the Koolau Loa SCP and the objectives and policies of the general plan are ultimately resolved by the council.
- (c) In determining whether a proposed development is consistent with the Koolau Loa SCP, the responsible agency shall primarily take into consideration the extent to which the development is consistent with the vision, policies, and guidelines set forth in the Koolau Loa SCP.
- (d) Whenever there is a question regarding consistency between existing subdivision or zoning ordinances, including any unilateral agreement, and the Koolau Loa SCP, the existing subdivision or zoning ordinances prevail until such time as they may be amended to be consistent with the Koolau Loa SCP.

Sec. 24-7.6 Review of development and other applications.

The review of applications for zone changes and other development approvals will be guided by the vision of the Koolau Loa SCP. Decisions on all proposed developments will be based on the extent to which the project enabled by the development approval supports the policies and guidelines of the Koolau Loa SCP.

The director may review other applications for improvements to land to help the responsible agency determine whether a proposed improvement supports the policies and guidelines of the Koolau Loa SCP.



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Sec. 24-7.7 Zone change applications.

- (a) All zone change applications relating to land in the Koolau Loa SCP area will be reviewed by the department of planning and permitting for consistency with the general plan, the Koolau Loa SCP, and any applicable special area plan.
- (1) The director shall recommend either approval, approval with changes, or denial. The director's written review of the application becomes part of the zone change report, which will be sent to the planning commission and the city council.
- (2) A project master plan must be part of an EA or EIS for any project involving 10 acres or more of land. The director shall review the project master plan for its consistency with the Koolau Loa SCP.
- (3) Any development or phase of development already covered by a project master plan that has been fully reviewed under the provisions of this article does not require a new project master plan, provided the director determines that the proposed zone change is generally consistent with the existing project master plan for the affected area.
- (4) If a final EIS has already been accepted for a development, including one accepted prior to the effective date of this ordinance, then a subsequent project master plan is not required for the development.
- (b) Projects that involve a significant zone change are required to submit an environmental assessment to the department of planning and permitting prior to an application for a zone change being accepted. Any development or phase of a development that has already been assessed under the National Environmental Policy Act ("NEPA"), HRS Chapter 343 (Hawaii Environmental Policy Act, "HEPA"), Chapter 25, or the provisions of this article, and for which a FONSI has been filed or a required EIS has been accepted, are not subject to further EA or EIS requirements under this chapter unless otherwise required by NEPA or HEPA.
- (c) The department shall review the environmental assessment. Based on review of the EA, the director shall determine whether an EIS will be required or whether a FONSI should be issued.
- (d) If an EIS is required, the EIS must be accepted by the director before a zone change application may be initiated.



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- (e) Zone changes are to be processed in accordance with this section; Section 5.5 of the Koolau Loa SCP; Chapter 2, Article 24, Part A; and Chapter 21.

Sec. 24-7.8 Annual capital improvement program review.

Annually, the director shall work jointly with the director of budget and fiscal services and other city agencies to review all projects in the city's capital improvement program and budget for compliance and consistency with the general plan, the Koolau Loa SCP and other development plans, any applicable special area plan provisions, and the appropriate functional plans. The director shall prepare a written report of findings to be submitted to the council in accordance with Charter Section 6-1503.

Sec. 24-7.9 Five year review.

- (a) The department shall conduct a comprehensive review of the Koolau Loa SCP, adopted by reference in Section 24-7.3(b), every five years subsequent to the effective date of this ordinance, and shall report its findings and recommended revisions, if any, to the council.
- (b) The Koolau Loa SCP will be evaluated to assess the appropriateness of the plan's regional vision, policies, guidelines, and implementing actions, as well as its consistency with the general plan.
- (c) Nothing in this section should be construed as prohibiting the processing of a revision to the Koolau Loa SCP at any time in the event either the director's biennial report or the council recommends consideration of such a revision, pursuant to the Charter.

Sec. 24-7.10 Authority.

Nothing in this article should be construed as an abridgement or delegation of the responsibility of the director, or of the inherent legislative power of the council, to review or revise the Koolau Loa SCP pursuant to the Charter and the above procedures.

Sec. 24-7.11 Severability.

If any provision of this article or the application thereof to any person or property or circumstances is held invalid, such invalidity does not affect the validity of the other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.



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Sec. 24-7.12 Conflicting provisions.

Any provision contained in this article as it pertains to land within the Koolau Loa SCP area prevails should there be any conflict with the common provisions or any other provisions under Chapter 24."

SECTION 4. Effective Date of the Koolau Loa SCP. The City Clerk is directed to date the Koolau Loa Sustainable Communities Plan attached as Exhibit A to this ordinance with the effective date of this ordinance.

SECTION 5. In Section 3 of this ordinance, the Revisor of Ordinances shall, pursuant to the Revisor of Ordinances' authority under Section 1-16.3(b)(1), replace the phrase "effective date of this ordinance," with the actual effective date.



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SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:



DATE OF INTRODUCTION:

JAN 2 2019

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu

FILED
JAN 02 2021
PURSUANT TO R.O. Sec. 1-2.4